

# DEFENSIVE DRIVING BOARD

## Meeting Agenda - Thursday, August 17, 2017

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 – 10:00 A.M. – Conference Room 109

General Inquiries Call: (602) 452-3378 (Certification and Licensing Division Line)

Members of the Public May Attend Meeting in Person

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**For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).**

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**CALL TO ORDER ..... *Daniel Edwards, Chair***

**1) REVIEW AND APPROVAL OF MINUTES ..... *Daniel Edwards, Chair***

*1-A: Review, discussion and possible action regarding the regular session minutes for the meeting of June 15, 2017.*

**2) PENDING COMPLAINTS..... *Division Staff***

*2-A: Review, discussion and possible action regarding the following certificate holder complaints:*

- 16-D008 EZ AZ Traffic School (#48)
- 16-D009 EZ AZ Defensive Driving (#51)
- 16-D010 EZ AZ 4-Hour Traffic School for Quick Ticket Dismissal (#91)
- 16-D011 EZ AZ Approved for All AZ Courts, Online or Classroom (#96)
- 16-D012 EZ AZ Certified Traffic School (#417)
- 16-D013 EZ AZ Defensive Driving Services (#418)
- 16-D014 EZ AZ Defensive Driving School (#428)
- 16-D015 EZ AZ Traffic Schools (#429)
- 16-D016 EZ AZ 4 Hour (#430)
- 16-D017 EZ AZ Simple Traffic School (#471)
- 16-D018 EZ AZ Fast Traffic School (#475)
- 16-D019 EZ AZ The Best Traffic School (#476)
- 16-D020 EZ AZ #1 (#477)
- 16-D021 EZ AZ #1 Traffic School (#478)
- 16-D022 EZ AZ Certified 4-Hour Traffic School (#502)
- 16-D023 EZ AZ Tucson Licensed Traffic School for All AZ Courts (#503)

- 16-D024 EZ AZ Defensive Driving Schools (#504)
- 16-D025 EZ AZ Licensed 4-Hour Traffic School (#505)
- 16-D026 EZ AZ Approved (#506)

2-B: *Review, discussion and possible action regarding complaint number 17-D001, involving certificate holder, Traffic School of Arizona.*

2-C: *Review, discussion and possible action regarding complaint number 16-D031, involving certificate holder, Right Turn 4 Hour Online.*

2-D: *Review, discussion and possible action regarding the Division Director dismissal of complaint number 17-D002.*

2-E: *Update regarding the status of pending complaints.*

### 3) INITIAL CERTIFICATION AND ELIGIBILITY.....*Division Staff*

3-A: *Review, discussion and possible action regarding pending applications for initial certification of the following defensive driving schools:*

1. Defensive Driving Today, L.L.C.
2. All Star Driver Education, Inc.
3. EXPRESS DEFENSIVE DRIVING SCHOOL
4. \*\*\*\*\*SUPER... FAST... ARIZONA... 24/7... FIRST... AFFORDABLE... ONLINE TRAFFIC SCHOOL\*\*\*\*\*
5. >>>>>>SUPER... CHEAP... ARIZONA... 24/7... FAST... AFFORDABLE... ONLINE TRAFFIC SCHOOL<<<<<<
6. \*\*\*\*\*THE... 24/7... SUPER... FAST... ARIZONA... AFFORDABLE...ONLINE TRAFFIC SCHOOL\*\*\*\*\*
7. \*\*\*\*\*QUICK... FAST... 24/7... ARIZONA... FIRST... AFFORDABLE... ONLINE TRAFFIC SCHOOL\*\*\*\*\*
8. \*\*\*\*\*OPEN... 24/7... SUPER... CHEAP... ARIZONA... AFFORDABLE... ONLINE TRAFFIC SCHOOL\*\*\*\*\*
9. Piece of Cake Traffic School Online
10. Jacob's Driving School

### 4) ADMINISTRATIVE ISSUES .....*Division Staff*

4-A: *Review, discussion and possible action regarding the certification renewal application deadline pursuant to ACJA § 7-201(G)(2).*

4-B: *Review, discussion and possible action concerning random audits of continuing education compliance for renewal.*

**CALL TO THE PUBLIC** ..... *Daniel Edwards, Chair*

**ADJOURN** ..... *Daniel Edwards, Chair*

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, August 17, 2017**

### **1) REVIEW AND APPROVAL OF MINUTES**

*I-A: Review, discussion and possible action regarding the regular session minutes for the meeting of June 15, 2017.*

Attached for the Board's review and approval are the regular session minutes of the June 15, 2017 meeting.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, August 17, 2017**

### **2) PENDING COMPLAINTS**

*2-A: Review, discussion and possible action regarding the following certificate holder complaints:*

- 16-D008 EZ AZ Traffic School (#48)
- 16-D009 EZ AZ Defensive Driving (#51)
- 16-D010 EZ AZ 4-Hour Traffic School for Quick Ticket Dismissal (#91)
- 16-D011 EZ AZ Approved for All AZ Courts, Online or Classroom (#96)
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- 16-D025 EZ AZ Licensed 4-Hour Traffic School (#505)
- 16-D026 EZ AZ Approved (#506)

On September 27, 2016, the Division received a written complaint against EZ AZ Traffic School which included the above-named driving schools, all owned by Paul Hallums.

The complaint contained one allegation:

Complainant alleges EZ AZ Traffic School provided school specific material to the court with the intent of either misleading the court into promoting the school or deliberately deceiving the court into promoting the business over other approved schools.

The facts and findings detailed in Complaint Number 16-D008 are applicable to all of the aforementioned driving schools (Complaint Numbers 16-D008 through 16-D026).

The Division's investigation found that Paul Hallums, on behalf of EZ AZ Traffic School et al, provided school specific materials to the Nogales courts as well as other courts in various counties. Materials included a 3" x 5" EZ AZ Traffic School business flyer containing the school's contact information. Mr. Hallums also provided the school's class schedule. Mr.

Hallums acknowledged that he personally visited the Nogales court(s) and left business flyers with court clerks. As well, class schedules were mailed.

Mr. Hallums, for EZ AZ Traffic School et al, denied that the school(s) communicated in any manner as to instruct, direct, or request that court staff promote, advertise, or make referrals to EZ AZ Traffic School et al.

It is possible that Mr. Hallums, for EZ AZ Traffic School et al, provided the school's business flyers to the court(s) for the purposes of distribution to the public, however, there is no prohibitive provision in the Arizona Code of Judicial Administration ("ACJA"). The Division's investigation did not find evidence that EZ AZ Traffic School et al, made any request of the court(s) to distribute the school materials or to promote, advertise or make referrals to EZ AZ Traffic School et al. Under these facts, the prohibition falls upon the court staff which is precluded from providing the information to the public.

**Recommendation:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding the defensive driving schools listed above have not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 16-D008 through 16-D026.

It is further recommended the Board dismiss complaint numbers 16-D008 through 16-D026.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, August 17, 2017**

### **2) PENDING COMPLAINTS**

*2-B: Review, discussion and possible action regarding complaint number 17-D001, involving certificate holder, Traffic School of AZ.*

Wickenburg Municipal Court filed a complaint stating it received an insufficient funds check from Traffic Schools of Arizona (“TSA”) for a student course completion. The court mailed a notice to TSA regarding the NSF and the court alleged TSA did not provide a timely response. Since there was no effect on the student, the court’s biggest concern was TSA’s lack of responsiveness which could lead to serious consequences in the future.

In his written response and subsequent interview, Truscio admits issuing the NSF check and stated it was a “timing” error. Truscio said the court deposited the check just prior to his “manual” funds transfer and unfortunately the cutoff was missed by his staff. Truscio stated he was not aware of the issue for almost two weeks because the court sent its notice to his old address. Truscio said he notified the AOC of his move several months ago and sent additional notifications to the various courts as well.

Division records reflect Truscio did notify the Division in December of his new address. The court relied on its internet database to verify TSA’s address, however, the Division notified it was accessing the Supreme Courts’ Defensive Driving database from the outdated “ajinweb” website. Division staff has noted in numerous prior instances there are numerous ways to access the Supreme Court’s “DDTS” database for DD schools, however, the school updates, such as address changes, don’t always transfer to the older sites.

Truscio admits the error and states it was an isolated incident. ACJA § 7-205(F)(28)(i) in part states that in the event an overdraft or non-sufficient funds situation occurs, the school has three (3) days to rectify the matter. In this case, Truscio did submit all required documentation/fees within the required timeframe then issued a replacement check immediately upon learning of the NSF check. Despite TSA’s resolution with the court, however, ACJA § 7-205(F) specifically details reconciliation of a schools’ trust account which should have prevented an “NSF” check in the first place.

Staff recommends that the Board accept the finding of the probable cause evaluator, determine probable cause exists and issue a Letter of Concern.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, August 17, 2017**

### **2) PENDING COMPLAINTS**

*2-C: Review, discussion and possible action regarding complaint number 16-D031, involving certificate holder, Right Turn 4 Hour Online.*

The Division received a complaint alleging that RIGHT TURN allowed a student to complete defensive driving school for a citation that was never filed with their court.

RIGHT TURN responded that it properly processed the student's registration by verifying eligibility through DDTS, received a copy of the citation issued to the student and the driver's license. The student's completion was successful and court payments were timely processed. RIGHT TURN indicated that once it was notified by the court of the completion being rejected, it contacted the court and was informed that the officer had failed to turn in the citation. RIGHT TURN notified the student of the situation and issued a full refund.

The Division recommends that the Board accept the determination of the Probable Cause Evaluator that probable cause does not exist and dismiss complaint number 16-D031.



# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, August 17, 2017**

### **2) PENDING COMPLAINTS**

*2-D: Review, discussion and possible action regarding the Division Director dismissal of complaint number 17-D002.*

Pursuant to ACJA § 7-201(H)(1)(g)(3), complaints dismissed by the Division Director are CONFIDENTIAL and not a matter of public record. If the Board wishes to address specific details regarding this matter, it is recommended the Board enter Executive Session to discuss matters confidential.

#### Complaint Number 17-D002:

On August 1, 2017, Division Director Wilson dismissed complaint number 17-D002 without prejudice because, pursuant to ACJA § 7-201(H)(2)(c), the complainant failed to supply information needed to remedy an insufficient complaint or failed to demonstrate the alleged acts of misconduct are within the certificate holder's responsibilities as required by statutes, court rules, or the applicable ACJA sections.

It is recommended the Board affirm the dismissal.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, August 17, 2016**

### **2) PENDING COMPLAINTS**

*2-E: Update regarding the status of pending complaints.*

As of August 14, 2017, there are currently 26 open complaints, 22 of which have been presented on this agenda with dispositive recommendations under agenda items 2-A, 2-B, 2-C, and 2-D.

### **DEFENSIVE DRIVING COMPLAINTS COURTOOLS MEASURE 4 AGE OF PENDING CASELOAD Shaded Areas Indicate Cases within Time Standard of 22 Months**

<b>Age (Months)</b>	<b>Number Cases</b>	<b>Percent</b>	<b>Cumulative Percent</b>
<b>0-4</b>	4	15%	15%
<b>5-9</b>	3	12%	27%
<b>10-14</b>	19	73%	100%
<b>15-19</b>			
<b>20-22</b>			
<b>23-35</b>			
<b>36-50</b>			
<b>Over 50</b>			
<b>Total</b>	<b>26</b>	<b>100%</b>	<b>100%</b>

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary – Thursday, August 17, 2017**

### **3) INITIAL CERTIFICATION AND ELIGIBILITY**

*3-A: Review, discussion and possible action regarding pending applications for initial certification of the following defensive driving schools:*

1. Defensive Driving Today L.L.C.

The above-named school is an internet format defensive driving school. They applied for certification on January 31, 2017. The school's office is located in Phoenix, Arizona. The school's owners are Jennifer Adkinson and Marilyn Nielsen. The school's principal is Jennifer Adkinson.

Division staff has performed a review of the new school's application and curriculum.

It is recommended initial certification be granted to Defensive Driving Today L.L.C.

2. All Star Driver Education, Inc.

The above-named school is an internet format defensive driving school. They applied for certification on May 22, 2017. The school's office is located in Ann Arbor, Michigan. The school's owner and principal is Brent Wall.

Division staff has performed a review of the new school's application and curriculum.

It is recommended initial certification be granted to All Star Driver Education, Inc.

3. EXPRESS DEFENSIVE DRIVING SCHOOL

The above-named school is a classroom and internet format defensive driving school. They applied for certification on June 23, 2017. The school's office is located in Chandler, Arizona. The school's owner and principal is Zhivko Zhelyazkov. The school is also known as EXPRESS DEFENSIVE DRIVING SCHOOL ARIZONA.

Division staff has performed a review of the new school's application and curriculum.

It is recommended initial certification be granted to EXPRESS DEFENSIVE DRIVING SCHOOL.

4. \*\*\*\*\*SUPER... FAST... ARIZONA... 24/7... FIRST... AFFORDABLE... ONLINE TRAFFIC SCHOOL\*\*\*\*\*

5. >>>>>SUPER... CHEAP... ARIZONA... 24/7... FAST... AFFORDABLE...  
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TRAFFIC SCHOOL\*\*\*\*\*
8. \*\*\*\*\*OPEN... 24/7... SUPER... CHEAP... ARIZONA... AFFORDABLE... ONLINE  
TRAFFIC SCHOOL\*\*\*\*\*

The above-named schools are an internet format defensive driving schools. They applied for certification on June 6, 2017. The school's office is located in Gilbert, Arizona. The school's owners are Joseph Kerby and Laura Kerby. The school's principal is Joseph Kerby. The school is also known as Affordable Online Traffic School, LLC, \*\*\*\*\*FAST... AFFORDABLE... ONLINE... TRAFFIC SCHOOL\*\*\*\*\*, \*\*\*\*\*CHEAPEST... FASTEST... BESTEST...ONLINE TRAFFIC SCHOOL\*\*\*\*\*, \*\*\*\*\*SUPER... DUPER.... QUICK AND EASY, and \*\*\*\*\* EASY... BREEZY... CHEAP AND EASY.

Division staff has performed a review of the new school's applications and curricula.

It is recommended initial certification be granted to \*\*\*\*\*SUPER... FAST... ARIZONA... 24/7... FIRST... AFFORDABLE... ONLINE TRAFFIC SCHOOL\*\*\*\*\*, >>>>>SUPER... CHEAP... ARIZONA... 24/7... FAST... AFFORDABLE... ONLINE TRAFFIC SCHOOL<<<<<, \*\*\*\*\*THE... 24/7... SUPER... FAST... ARIZONA... AFFORDABLE...ONLINE TRAFFIC SCHOOL\*\*\*\*\*, \*\*\*\*\*QUICK... FAST... 24/7... ARIZONA... FIRST... AFFORDABLE... ONLINE TRAFFIC SCHOOL\*\*\*\*\* and \*\*\*\*\*OPEN... 24/7... SUPER... CHEAP... ARIZONA... AFFORDABLE... ONLINE TRAFFIC SCHOOL\*\*\*\*\*

#### 9. Piece of Cake Traffic School Online

The above-named school is currently an online format defensive driving school. They applied for classroom delivery method school certification on July 26, 2017. The school's office is located in Mesa, Arizona. The school's owners are Kevin Frei, Dean Frei, Jerilyn Frei and Dena Frei. The school's principal is Kevin Frei.

Division staff has performed a review of the new school's application and curriculum.

It is recommended classroom delivery certification be granted to Piece of Cake Traffic School Online.

#### 10. Jacob's Driving School

The above-named school is currently a classroom format defensive driving school. They applied for online delivery method school certification on February 23, 2017. The school's office is located in Phoenix, Arizona. The school's owners are Stanislav Mordukhayev and Violetta Mordukhayev. The school's principal is Stanislav Mordukhayev.

Division staff has performed a review of the new school's application and curriculum.

It is recommended classroom delivery certification be granted to Jacob's Driving School.

# **DEFENSIVE DRIVING BOARD**

## **Agenda Summary - Thursday, June 15, 2017**

### **4) ADMINISTRATIVE ISSUES**

*4-A: Review, discussion and possible action regarding the certification renewal application deadline pursuant to ACJA § 7-201(G)(2):*

*Application. A certificate holder is responsible for applying for a renewal certificate. The certificate holder shall apply for renewal of certification on the form provided by division staff. The board shall set a deadline renewal application date, in advance of the expiration date, to allow a reasonable time frame for processing renewal application.*

Active certificates expire at midnight on October 31<sup>st</sup> of each odd numbered year.

The Division recommends that the Board establish renewal application period starting September 1 through October 31, 2017. Division staff further recommends that applications submitted on or after October 1, 2017 be assessed an additional \$50.00. In the event that a certificate holder has filed a timely and complete application for renewal, the existing certification does not expire until the Board has acted on the application for renewal of certification.

# **DEFENSIVE DRIVING BOARD**

**Agenda Summary – Thursday, June 15, 2017**

## **4) ADMINISTRATIVE ISSUES**

*4-B: Discussion and possible action concerning random audits of continuing education compliance for renewal.*

Staff will present information at the meeting.